

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
NONRULE POLICY DOCUMENT**

Title:	Fugitive Dust from Coal Mines
Identification Number:	Air-029-NPD
Date Originally Presented:	March 6, 2002
Date Effective:	April 5, 2002
Date Revised:	None
Other Policies Repealed or Amended:	None
Brief Description of Subject Matter:	Describes IDEM's policy regarding fugitive dust from coal mines in certain situations.
Citations Affected:	326 IAC 6-4 Fugitive Dust Emissions

This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management (IDEM) decisions or final actions. This nonrule policy document shall be used in conjunction with applicable laws. It does not replace applicable laws, and if it conflicts with these laws, the laws shall control. This nonrule policy document may be put into effect by IDEM thirty days after presentation to the Air Pollution Control Board and after it is made available to public inspection and comment, pursuant to IC 13-14-1-11.5. IDEM will submit the policy to the Indiana Register for publication. Revisions to the policy will follow the same procedure of presentation to the board and publication.

### **Purpose**

The purpose of this nonrule policy document is to make uniform the enforcement of 326 IAC 6-4 in regards to surface coal mines. Unless specifically exempted, all mining activities are subject to 326 IAC 6-4.

### **Policy**

Indiana's fugitive dust rule (326 IAC 6-4) contains certain exceptions to the rule at 326 IAC 6-4-6. IDEM will apply these exceptions to surface coal mines as follows:

1. After active mining and preliminary reclamation activities have been completed, coal companies are required by state and federal mining rules to plant agricultural crops on the land for a number of years before the reclamation can be declared complete. Fugitive dust from the tillage, planting, and harvesting of these crops will be considered agricultural operations and will be considered exempt from the rule as per 326 IAC 6-4-6(4), provided that every reasonable precaution is taken to minimize emissions and operations are terminated if a severe health hazard is generated because of prevailing meteorological conditions. Other normal agricultural operations including, but not limited to, mulching, lime and fertilizer spreading, and mowing are also exempt from this rule.

2. Reclamation activities after mining activities (other than those considered agricultural operations under paragraph 1 above) have been completed in a pit or area of the mine will be considered the same as construction. Therefore, the exception 326 IAC 6-4-6(3) will apply, provided that every reasonable precaution has been taken to minimize emissions.

Reasonable precautions include, but are not limited to:

- Watering or applying other dust control measures to haul roads over which traffic routinely travels.
  - Taking reasonable precautions to minimize emissions and minimize or suspend operations if a severe health hazard is generated because of prevailing meteorological conditions.
  - Tarping trucks where haul material is dry or blowing from trucks.
  - For areas other than haul roads, applying dust suppressants or dust control measures where feasible.
3. Fugitive dust crossing utility easements such as power lines and pipe lines on surface coal mine property will not be considered a violation of 326 IAC 6-4, provided the coal mine owns or leases the property on both sides of the easement and the user of the easement is not affected by the fugitive dust. This does not include dust crossing public roads where the coal company owns the property on both sides of the road. 326 IAC 6-4 shall apply to dust crossing public roads. A public road that has been permanently closed under IC 8-20-8-1 is no longer a public road for the purposes of this policy. A public road that has been temporarily closed under IC 8-20-8-1 is not a public road for the purposes of this policy for the duration of the closure.

If you have any questions regarding this policy or coal mining, please contact:

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